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2001P15530US

PATENT APPLICATION
10/057,466

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REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 18, 2005. At the time of the Office Action, Claims 1-42 were pending in this Application. Claims 1-42 were rejected. Claims 1, 12, 23 and 33 have been amended. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 101 and §112

Claims 1-22 were rejected by the Examiner under 35 U.S.C. §101 because the disclosed invention lacks operability and/or under 35 U.S.C. §112 fails to comply with the written description requirement. Applicants amended claim 1 to amend the functionality of the second equalizer. The second equalizer is designed to only be activated depending upon the uncertainty signal generated in the first equalizer. This mechanism is, thus, initiated if a single uncertainty value exceeds a certain threshold or if a predefined number of sequential uncertainty values exceeds such a threshold as disclosed, for example, in paragraph [0018].

Rejections under 35 U.S.C. § 102

Claims 1-6, 12-17, 23-29, and 32-39 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Ke Du (U.S. patent 6,307,884). Applicants respectfully disagree. However, to further prosecution, Applicants amended independent claims 1, 12, 23 and 33 to more clearly define the present invention. Thus, Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920

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(Fed. Cir. 1989). Applicants respectfully submits that the cited art as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

The Examiner did not traverse Applicants analysis of Ke Du but rather stated that the claim limitations still do not exclude the system disclosed in Ke Du. Even though Applicants do not agree with the Examiner's claim interpretation, Applicants amended all independent claims to clearly distinguish the present application from the prior art.

As stated in the remarks of last response which are hereby incorporated by reference, the independent claims now recite that as long as an uncertainty threshold is not exceeded only a single symbol sequence is generated or only a single equalizer is used to generate a single symbol sequence. Applicant believes that the amendments are now clear and that the independent claims cannot be interpreted to encompass the system disclosed by Ke Du. In particular claim 23 has been amended to include the limitation that if the threshold is not exceeded, then only a single sequence is generated.

Ke Du et al. does not disclose this functionality. On the contrary, Ke Du discloses throughout the description to use both decision equalizers always in parallel. No decision is made with respect to activate at least one additional decision equalizer.

Therefore, Applicant believes that independent claims 1, 12, 23 and 33 are not anticipated by any of the prior art. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claims to which they refer, respectively.

Dependent claims rejection

Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claims to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

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CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the claims as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 19-2179.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact the undersigned.

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